

REMARKS

[0001] Claims 1-28 are pending. The Office Action mailed March 28, 2006 (hereinafter “Office Action”) did not reject or allow any claims, but requested more information. The Office Action is stated to be responsive to an amendment filed 7/26/93.

[0002] With regard to the Office Action claim that the Office Action is in response to the an amendment filed 7/26/93, the Applicants respectfully assert that there has been no amendment in relation to the Application, that the Application does not claim any priority to any earlier documents, and that the date cited in the Office Action for the amendment is well before the filing of the Application. The Applicants assert that that the reference to any amendment is in error.

[0003] The Office Action requested “any documentation known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent(s) claims.” Office Action at p. 2. The Applicants submit that a search was performed prior to filing of the Application to Ralph T. Beeston on August 25, 2003 (hereinafter “Application”) and that the prior art identified in the search has been submitted in the Information Disclosure Statement (“IDS”) filed with the Application. The Applicants assert that a query has been made and are unaware of any other prior art known to qualify under 35 U.S.C. §§ 102 & 103.

[0004] The Office Action states that the Background section of the specification identifies several prior art devices and/or systems and requests “a discussion of which, if any, independent claim limitations . . . correspond to prior art elements in the background documentation.” Office Action at p. 3. The Office Action requests for each claim limitation that

the Applicants “identify a corresponding prior art element by page, line, and /or fig.” *Id.* The Applicants respectfully assert that the independent claims are novel and not drawn to prior art and that the specification clearly indicates which devices and systems are prior art and which devices and systems are elements are novel. The Applicants assert that the background section identifies only general knowledge prior art known to the Applicants generally and that any specific prior art that may correspond to claim limitations of the independent claims is unknown to the Applicants.

[0005] The Office Action “requests a discussion of which, if any, present independent claim limitations correspond to prior art elements in the IDS documentation.” *Id.* The Applicants assert that the independent claims are novel over the prior art and as such, are allowable. The Applicants assert that, as stated above, they are unaware of any prior art from the documents cited in the IDS that reads specifically on the limitations of the independent claims.

[0006] The Office Action also requests “a showing of support for the following: All claim language (original independent claim(s) only) that does not have antecedent basis in the descriptive portion of the specification.” The Applicants assert that the claim language of the independent claims have antecedent basis in the specification. For example, the elements of the independent claims find support in the specification in the Brief Summary of the Invention section. In addition, the independent claims clearly find support throughout the Detailed Description of the Invention and Drawings.

[0007] The Applicants assert that the specification, claims, and drawings adequately point out the patentable novelty of the claims in view of the prior art. The Applicants request that if the Examiner has difficulty identifying support for a specific element of a claim that the

Examiner contact the Applicants and the Applicants will gladly identify the support for the specific element. *See* MPEP § 704.11 (“A requirement for information under 37 CFR 1.105 places a substantial burden on the applicant that is to be minimized by clearly focusing the reason for the requirement and the scope of the expected response. Thus, the scope of the requirement should be narrowly defined, and a requirement under 37 CFR 1.105 may only be made when the examiner has a reasonable basis for requiring information.”).

[0008] The Office Action states that “[i]n claim 18, the claimed step of ‘querying a size of a data block’ corresponds to Brown’s step performed in decision block 184 (Fig 4B)” and that “the receive buffer is inspected[.]” Office Action at p. 5. The Office Action also states that “[t]he claimed step of ‘creating a data block size estimate proportional to the size of the data block’ corresponds to[.]” *Id.* The Applicants respectfully request more information regarding the above quoted statements in that they appear to be incomplete. As such, the Applicants are unable to respond to the statements.

[0009] Should additional information be required regarding the remarks regarding the independent and dependent claims enumerated above, the Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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